THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.27409 OF 2005

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Dated: 23-12-2005

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Between

P. Kondaiah, S/o. P. Chengaiah, Sarpanch

R/o. I.R. Kandriga Village, Palamangalam

Post, Nindra Mandal, Chittor District and

Others.

...PETITIONERS

AND

The Superintending Engineer (Irrigation),

Chittoor, Chittoor District and others.

...RESPONDENTS

ORDER:

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Petitioners seek a Writ of Mandamus to declare the action of the respondents in not disposing the representations dated 23.11.2005 and 16.12.2005 for providing sluice and weir (kaluju) to the Vallabha Raju Tank, Palamangalam South, Narayanavanm Mandal, Chittoor District as illegal and arbitrary.

Learned counsel for the petitioners submits that the petitioners have made representations before the respondents 1 and 2 requesting them to remove surplus water from the above said tank to avoid damage to their lands. The learned counsel further submits that the Ayaktdars have closed sluice of the tank 10 years ago with a view to preserve the water in

the tank, which caused heavy loss to the petitioners and others in the village and there is no weir (kaluju) to the tank to take out the surplus water from the tank. Due to lack of sluice the surplus water is not going out and water is stagnated, as a result of which several acres of lands are submerged. Accordingly, the petitioners have requested the respondents to restore the sluice and weir.

Without expressing any opinion whether the surplus water is causing damage to the lands of the petitioners, but having regard to the facts and circumstances of the case, the respondents 1 and 2 are directed to consider and dispose of the representations dated 23.11.2005 and 16.12.2005 filed by the petitioners in accordance with law within six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 23, 2005

Note: Furnish C.C. of the order in three days

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